



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4331

Introduced 02/02/04, by Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-3

from Ch. 38, par. 1005-9-3

Amends the Unified Code of Corrections. Provides that the clerk of the court may retain attorneys and private collection agencies for the purpose of collecting any default in payment of any fine or installment of that fine. Provides that the fees and costs incurred by the clerk of the court in any such collection and the fees and charges of attorneys and private collection agents retained by the clerk for those purposes shall be charged to the offender.

LRB093 19409 RLC 45147 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or ~~in~~
9 any installment of that fine may be held in contempt and
10 imprisoned for nonpayment. The court may issue a summons for
11 his appearance or a warrant of arrest.

12 (b) Unless the offender shows that his default was not due
13 to his intentional refusal to pay, or not due to a failure on
14 his part to make a good faith effort to pay, the court may
15 order the offender imprisoned for a term not to exceed 6 months
16 if the fine was for a felony, or 30 days if the fine was for a
17 misdemeanor, a petty offense or a business offense. Payment of
18 the fine at any time will entitle the offender to be released,
19 but imprisonment under this Section shall not satisfy the
20 payment of the fine.

21 (c) If it appears that the default in the payment of a fine
22 is not intentional under paragraph (b) of this Section, the
23 court may enter an order allowing the offender additional time
24 for payment, reducing the amount of the fine or of each
25 installment, or revoking the fine or the unpaid portion.

26 (d) When a fine is imposed on a corporation or
27 unincorporated organization or association, it is the duty of
28 the person or persons authorized to make disbursement of
29 assets, and their superiors, to pay the fine from assets of the
30 corporation or unincorporated organization or association. The
31 failure of such persons to do so shall render them subject to
32 proceedings under paragraphs (a) and (b) of this Section.

1 (e) A default in the payment of a fine or any installment
2 may be collected by any and all means authorized for the
3 collection of money judgments ~~rendered in favor of the State.~~
4 The clerk of the court may retain attorneys and private
5 collection agents for the purpose of collecting any default in
6 payment of any fine or installment of that fine. The fees and
7 costs incurred by the clerk of the court in any such collection
8 and the fees and charges of attorneys and private collection
9 agents retained by the clerk for those purposes shall be
10 charged to the offender.

11 (Source: P. A. 78-255.)